

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

A.T.,

Plaintiff,

v.

SEATTLE SCHOOL DISTRICT NO. 1,

Defendant.

No. 2:22-cv-1140

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant SEATTLE SCHOOL DISTRICT NO. 1, by and through its undersigned counsel, hereby removes the above-captioned case from the Superior Court of the State of Washington for King County to the United States District Court for the Western District of Washington in Seattle, pursuant to 28 U.S.C. § 1446, and respectfully states:

1. The above-captioned matter was filed on July 13, 2022 and served on Defendant on July 18, 2022, and is pending in the Superior Court of the State of Washington for King County under Cause No. 22-2-10907-6.

2. This law firm represents Defendant in this action. As required by 28 U.S.C. § 1446(a) and LCR 101(b), a copy of the operative Complaint (the "Complaint") is attached hereto, and true and complete copies of all the process, pleadings, orders, records and proceedings

NOTICE OF REMOVAL- 1

22-2-10907-6
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PATTERSON BUCHANAN
FOBES & LEITCH, INC., P.S.

1000 Second Ave., 30th Floor, Seattle, WA 98104
Tel. 206.462.6700 Fax 206.462.6701

1 filed in the state court proceeding and/or served on Defendant will be filed with the Court within
2 fourteen days. No Jury Demand has been filed in the state court.

3 3. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served
4 upon counsel for Plaintiff, and a copy is being filed with the clerk of the King County Superior
5 Court.

6 4. This Notice of Removal is timely filed within thirty (30) days after receipt by
7 Defendants of a copy of the Complaint, the initial pleading setting forth the claim for relief upon
8 which this removal is based, pursuant to 28 U.S.C. § 1446(b).

9 5. Plaintiff's Complaint alleges violation of the First and Fourteenth Amendments
10 to the United States Constitution (42 U.S.C. §§ 1983 and 1988) under his First Claim for Relief.
11 In specific, Plaintiff alleges:
12

13 112. The District unlawfully restricted Plaintiff's right to free speech guaranteed
14 under the First Amendment to the United States Constitution. The First Amendment
15 is made applicable to the District, a municipal corporation, by the Fourteenth
16 Amendment to the United States Constitution.

17 113. Plaintiff, a public school student, engaged in conduct protected by the First
18 Amendment to the United States Constitution, including but not limited to: raising
19 complaints about the activities and operation of the Garfield swim team; engaging in
20 protected activity by speaking with other students about his experiences on the
21 Garfield swim team; and scheduling a meeting with a student journalist to discuss the
22 same.

23 114. The District's employees took adverse actions against Plaintiff in retaliation for
24 Plaintiff engaging in protected conduct and in anticipation of future protected
25 conduct. The
adverse actions would chill a person of ordinary firmness from continuing to engage
in such protected conduct.

115. Plaintiff's protected conduct was a substantial or motivating factor in the
District's adverse actions.

1 116. As a proximate result of the District's adverse actions, Plaintiff was injured by
2 the chilling of his right to free speech protected by the First Amendment to the United
3 States Constitution through 42 U.S.C. § 1983.

4 117. Plaintiff seeks damages against the District under 42 U.S.C. § 1983 for
5 committing acts under color of law with the intent and purpose of depriving Plaintiff
6 of his rights secured by the United States Constitution.

7 118. Plaintiff seeks an award of reasonable attorney's fees under 42 U.S.C. § 1988
8 based on this action under 42 U.S.C. § 1983.

9 *See* Complaint, at pp.17-18.

10 6. This Court has jurisdiction over the subject matter of this action pursuant to
11 28 U.S.C. § 1443, to the extent it is a civil rights case, and pursuant to 28 U.S.C. § 1331, as
12 district courts have original jurisdiction over all civil actions arising under the laws of the United
13 States. Further, 28 U.S.C. § 1367(a) provides for the Court's supplemental jurisdiction over all
14 other claims that are so related to claims in the action within such original jurisdiction that they
15 form part of the same case or controversy under Article III of the United States Constitution.

16 7. The above-captioned matter may be removed to this Court pursuant to 28 U.S.C.
17 § 1441(a). This Court is a District Court of the United States for the district and division
18 embracing the place where the state court action is pending and is, therefore, the appropriate
19 Court for removal pursuant to 28 U.S.C. § 1441.

20 8. Pursuant to 28 U.S.C. § 1446(b)(2)(A), all Defendants consent to the removal of
21 this action.

22 INTRADISTRICT ASSIGNMENT

23 Pursuant to Local Rule W.D. Wash. CR 3(d)(1) and 101(e), removal from King County
24 Superior Court to the United States District Court for the Western District of Washington in
25

1 Seattle is proper in that a substantial part of the events or omissions that give rise to the claim are
2 alleged to have occurred in King County, Washington.

3 DATED this 15th day of August, 2022.

4 PATTERSON BUCHANAN
5 FOBES & LEITCH, INC., P.S.

6
7 By: /s/ Charles P.E. Leitch
8 Charles P.E. Leitch, WSBA 25443
9 Of Attorneys for Defendant SEATTLE
10 SCHOOL DISTRICT
11 1000 Second Ave., 30th Floor
12 Seattle, WA 98104
13 cpl@pattersonbuchanan.com
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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2022, I electronically filed the foregoing, including any attachments, with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to the following:

ATTORNEY NAME & ADDRESS	METHOD OF DELIVERY
Mr. Moshe Y. Admon Admon Law Firm, PLLC 415 - 1st Ave. N., #9361 Seattle, WA 98109	■ ECF notification

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 15th day of August, 2022, at Seattle, Washington.

s/Jan Larsen
Jan Larsen

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